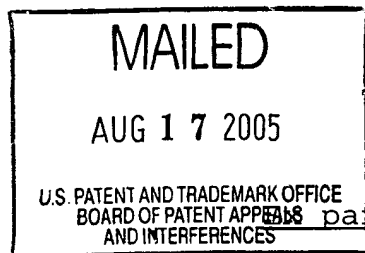


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

~~vs~~ parte HELEN M. DOHERTY and H. RANDOLPH ROEHL

Application No. 09/858,188

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 6, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed Information Disclosure Statements (IDS's) on October 17, 2003 and October 28, 2003. It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is returned to the examiner to properly consider the IDS filed on October 17, 2003

Application No. 09/858,188

by initialing the Form PTO 1449, to consider the IDS filed on October 28, 2003, to notify appellants in writing of such consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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CRF/clm/jg